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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 DANIEL LUCERO,

Case No. 2:21-cv-00915-RFB-VCF

11 Plaintiff,

12 v.

**Motion to Defer Early Neutral  
Evaluation Session**

13 ISABEL GUZMAN, et al.,

14 Defendant.

16 Defendant Isabel Guzman (“Defendant”)<sup>1</sup> hereby moves to defer the Early Neutral  
17 Evaluation session (“ENE”), currently scheduled for November 22, 2021, until after the  
18 close of discovery. This motion is supported by the declaration of defense counsel.

19 **ARGUMENT**

20 Plaintiff Daniel Lucero (“Plaintiff”) has filed suit, asserting four claims: race  
21 discrimination under Title VII; age discrimination under the Age Discrimination in  
22 Employment Act (“ADEA”); disability discrimination under the Rehabilitation Act; and

23  
24 <sup>1</sup> The complaint refers to Defendant as “Isabel Guzman,” but her name is “Isabella Casillas  
Guzman.”

1 retaliation under Title VII. (ECF No. 9 ¶¶ 21-48). The Court recently scheduled an ENE for  
2 November 22, 2021 at 9:00 a.m. (ECF No. 14). On September 20, 2021, Defendant moved  
3 to dismiss Plaintiff's complaint. (ECF No. 13). That motion is not yet ripe.

4 Defendant seeks to defer the ENE until after the parties have had an opportunity to  
5 conduct discovery in the case. Defendant is unlikely to receive authorization from her  
6 superiors to resolve the case unless and until significant discovery occurs. (Vance Decl. ¶ 3).  
7 Moreover, the parties cannot properly frame the issues in the case until the Court decides  
8 Defendant's motion to dismiss. (*Id.*). Under the circumstances, participating in an ENE at  
9 this time would not be meaningful, productive, or fruitful. (*Id.*). Accordingly, Defendant  
10 respectfully requests that the ENE, currently scheduled for November 22, 2021, be deferred  
11 until after the close of discovery.

12 **CONCLUSION**

13 For the reasons argued above, Defendant respectfully requests that the Court defer  
14 the ENE until after the close of discovery.

15 DATED: September 28, 2021.

16 CHRISTOPHER CHIOU  
17 Acting United States Attorney

18 /s Holly A. Vance  
19 HOLLY A. VANCE  
Assistant United States Attorney  
Counsel for Defendant

20 **Order**

21 **IT IS SO ORDERED**

22 DATED: 10:46 am, September 29, 2021

23   
24 BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE